

## **REMARKS**

Claim 1 has been amended to provide there is a plurality of speakers adapted for location in different rooms of a premise, and that they can be located within a range of up to 50 meters from the power supply. Basis for the 50 meter limitation is provided in the published specification numerous places, including paragraph [0013] and [0018], with the different rooms feature shown at [0015].

The Examiner has rejected claims 1-2 and 4-8 over a combination of Kemmerer, Sato and Beer, US 7,092,530. Beer is the new reference, not previously used. The theory of the rejection is Kemmerer discloses a distributed audio system with the basic components and while Kemmerer fails to disclose the electrical cable power supply, Sato disclose the electrical power supply; and finally, Beer discloses an amplifier system with a similar concept but in the context of various speakers located in the vehicle. With all this together, the Examiner argues it would be obvious to try modifying the amplifier arrangements in different locations of a premise, i.e., different rooms and there is no unexpected result from this obvious variation. The logic of the rejection strains the limits of 35 U.S.C. § 103. The Applicants respectfully disagree. Reconsideration is requested.

35 U.S.C. § 103 requires analysis of "the art to which the invention pertains". One cannot ignore that Beer relates to cars. Beer would not lead a person skilled in the art to try his car cabin system, which is for a relatively confined area of a vehicle cabin, to a system for use in a much larger, more removed location, i.e., building premises in which the problems of automobile distortion between amplifiers in different close proximity locations would occur.

The purpose of selecting different locations for amplifier arrangements in Beer is to avoid harmonic distortions and audible clicks and plops and therefore the problem addressed is audible

distortion caused by the separate amplifiers being placed within the confined space of a vehicle cabin. This is a different problem to that which is addressed in the current application.

In the current application the problem which is addressed is how to provide distributed audio in a number of different locations within the greater area of a building premises and a multiple amplifier arrangement which allows this to occur. The arrangement of the invention also reduces the problems which are associated with power being supplied from a single remote source i.e. a source in a separate room and which problems are typically in the form of reducing high heat gain, reducing power loss across the cables and allowing a reduced capacity power supply to be used while maintaining audio performance over varying lengths of connecting cable to the various amplifier locations. Thus, in general, the current application is directed to the power management of the system and the power management is only relevant when the different locations, are spaced apart by a considerable distance and certainly by distances greater than that which would be possible within a vehicle.

Applicant has amended claim 1 to specify a range of distance inconsistent with vehicles in order to emphasize this distinction. In short, the problems which the current application addresses, are irrelevant with regard to the system of the prior art document in the name of Beer as the amplifier arrangements in Beer are so close together i.e. confined within the cabin of the vehicle, that there is no power management problem. The Examiner is therefore incorrect in combining the number of prior art documents relating to a different problem in a different environment to argue that claim 1 of the application is obvious. Beer would not lead a skilled person to believe it obvious to adopt the principles in Beer which relate to a relatively confined area of a vehicle cabin, to a system for use in a much larger location in the form of a building

premises and in which the problems of audible distortion between amplifiers in different locations would not occur.

This Attorney recognizes the Examiner is applying the logic of the recent KSR, "obvious to try", rejection of the Supreme Court. But, obvious to try has its limits. And, any art that addresses a different problem in a different environment (Beer) does not make a *prima facie* case of obviousness of the amended claim 1. In short, this case is more like In re Oetiker, 977 F.2d 1443 (Fed. Cir. 1992). (A *prima facie* burden of obviousness is not made by showing art from the garment industry as applied to clamps for mufflers). Reconsideration and allowance of the amended claims 1-8 is respectfully requested.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



EDMUND J. SEASE, Reg. No. 24,741  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 22885**

Attorneys of Record

- bjh -